

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**ADMINISTRATIVE RULE
FISCAL IMPACT STATEMENT**

PROPOSED RULE: 97-300

DATE PREPARED: Nov 25 97

STATE AGENCY: Department of Environmental Management

DATE RECEIVED: Nov 06 97

FISCAL ANALYST: Kristin Breen

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Digest of Proposed Rule: This proposed rule amends 329 IAC 3.1 to adopt eight amendments to federal hazardous waste management regulations in 40 CFR 260 through 270. This will make Indiana's hazardous waste management program consistent with the federal hazardous waste program. Of the eight amendments, seven are corrections to dates and addresses, are implemented at the federal level, or are promulgated under the Hazardous and Solid Waste Amendments (HSWA) of 1984. Rules adopted under the HSWA are effective in all states on the federal effective date, whether or not a state was authorized for that rule. There are no new state costs associated with these provisions.

One of the eight amendments deals with military munitions. It indicates when military munitions become hazardous waste, sets standards for their safe storage and transport, and sets standards for emergency responses involving all munitions and explosives. It also exempts all hazardous waste generators from manifesting requirements when transporting waste on public or private rights-of-way on property they control.

In addition, this proposed rule establishes a state delisting program that allows a generator to petition the Indiana Department of Environmental Management (IDEM) for the removal of a listed hazardous waste from regulation under the hazardous waste program. Both P.L. 45-1997 (HEA 1339) and P.L. 128-1997 (SEA 478) require IDEM to adopt a hazardous waste delisting program equivalent to the federal delisting program in 40 CFR 260.20 and 40 CFR 260.22.

Governmental Entities:

IDEM: Adoption of these amendments is required for the state to maintain U.S. Environmental Protection Agency (EPA) authorization to administer the hazardous waste management program. Grants from the EPA, which are based on program authorization, make up a large portion of the hazardous waste program's total funding. Failure to maintain authorization could result in the loss of all or part of funding from the EPA.

This proposed rule will be administered within the existing hazardous waste program, so there will not be any new compliance or permitting costs.

Indiana National Guard: The Indiana National Guard may incur minimal additional costs for compliance of the military munitions provision.

Local: There is no local fiscal impact and there are no unfunded mandates placed upon any political subdivision by this proposed rule.

Regulated Entities:

This proposed rule impacts hazardous waste generators; hazardous waste treatment, storage, and disposal facilities; primary aluminum reducers; and hazardous waste transporters.

Military Munitions: This provision exempts all hazardous waste generators from manifesting requirements when transporting waste on public or private rights-of-way on property they control. This will reduce management costs for generators. The actual savings are indeterminable.

Hazardous Waste Delisting Program: This provision allows a generator to petition IDEM for removal of a listed waste from regulation under the hazardous waste program. It is estimated that this will reduce regulatory costs for generators. It is not known how many generators will petition for delisting or what the actual savings will be.

Information Sources: Bruce Palin and Steve Mojonner, Office of Solid and Hazardous Waste Management, Department of Environmental Management, 233-1655; Major Richard Jones, Adjutant General's Office, Indiana National Guard, 247-3105.